

BULLETIN 1197

November 18, 1957.

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1197

NOVEMBER 18, 1957.

1. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES
(RENTING ROOMS WITH BELIEF THEY WOULD BE USED FOR ILLICIT
SEXUAL INTERCOURSE) - LICENSE SUSPENDED FOR 180 DAYS.

In the Matter of Disciplinary)
Proceedings against)

JANE & LUIGI SABATINI)
Bernard Avenue & Absecon Blvd.)
Atlantic City, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consump-)
tion License C-233 (for the 1956-57)
and 1957-58 licensing years), issued)
by the Board of Commissioners of the)
City of Atlantic City.)

John A. Miller, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendants pleaded not guilty to the following
charge:

'On May 10, 11, 16 and 17, 1957, you allowed,
permitted and suffered lewdness and immoral activity
in and upon your licensed premises, viz., the making
of arrangements for and the renting of rooms for the
purpose of illicit sexual intercourse; in violation
of Rule 5 of State Regulation No. 20.'

"The evidence herein discloses that two ABC agents
(hereafter designated as F and M) visited defendants' licensed
premises on the evening of May 10, 1957, and on the evening of
May 16, 1957. On both visits they remained on the premises
until the early hours of the following morning.

"Agent F testified that the barroom is located in
the front part of the first floor; that two archways separate
the barroom from a hallway which has side entrances to the
building, a stairway to the upper floor and a table on which
was located a register; that there is a small dining-room, a
larger dining-room and a kitchen to the rear of this hallway.

"Agent F testified that, when he and Agent M entered
the barroom on May 10, about 11:15 p.m., they went to the bar
and had a general conversation with Charles W. Baines who was
tending bar; that, later, they accompanied Luigi Sabatini (one
of the licensees) on a tour through the other rooms on the
first floor; that, during this tour, F asked Luigi if he had
rooms upstairs and, when Luigi replied that he had, F asked
what he charged and was told 'Five dollars a couple.' F tes-
tified that he then told Luigi 'We are going to take a broad
here, we are going to use the rooms for an hour, throw them a
lay and then leave,' to which Luigi replied 'That will be five
dollars whether it's for an hour or for all night.' F further
testified that Agent M then told Luigi that the girls are

married and have to be careful and won't want to be seen going through the bar, whereupon Luigi said 'We have two entrances, one to the right and one to the left;' that Luigi then gave them one of his business cards and that, when they left about 1:00 a.m., they told him that they would return on Thursday.

"Agent F testified that, when he and Agent M returned to the premises on Thursday, May 16, at about 11:30 p.m., Luigi was tending bar; that, when Luigi asked if they had any luck, he replied that they didn't know yet but would have to call up the girls first; that M then went to the phone booth and, upon his return to the bar, stated, in the presence of Luigi, that the girls would be there in about one-half hour; that about 12:25 a.m. Luigi escorted both agents to the second floor and assigned Room 1 to Agent F and Room 2 to Agent M; that both agents then returned to the first floor and, in response to a question as to whether they must register, Luigi told them 'Yes. Sign Pasquale C.O.D. Anything you want;' that each agent then signed the register as Mr. and Mrs. --- (using fictitious names) and each gave a marked \$5.00 bill to Luigi; that Luigi then unlatched one of the side doors and each agent returned to the respective room on the upper floor to which he had been assigned.

"Agent M substantially corroborated the aforesaid testimony and added that, after returning to his room on the early morning of May 17, he came down to the bar, purchased drinks from Luigi and asked him if he had any 'rubbers', to which Luigi replied that he did not.

"The testimony discloses that both of the aforesaid agents were in their respective rooms at about 12:45 a.m., May 17, when a third ABC agent (who was accompanied by Luigi and an Atlantic City detective) knocked on the door. Agent F said he was waiting for his 'brood' and Agent M said he was waiting for his 'girlfriend.' Luigi made no reply. The agents then identified themselves. During the course of the subsequent investigation of the premises, the marked money was found alongside the cash register. No evidence of any other immoral or illegal activity was found on the premises.

"On behalf of defendants, Luigi Sabatini testified that on May 10 Agents F and M told him that they intended to bring their wives and have something to eat; that on May 16 Agent M told him he was going to phone his wife and that he supposed that the wives of the agents were coming. On cross-examination he was asked if Agent F said to him on May 10 that 'We are going to stay an hour, throw them a lay and leave' and he replied 'Yes. He mentioned something like that.' On cross-examination he also admitted that Agent M had told him that the girls were married and that 'We have to be careful.' Jane Sabatini (Luigi's wife) testified that she was called after the agents identified themselves and that she never rented rooms for immoral purposes. Charles Baines (a nephew of Jane Sabatini) testified that he was tending bar on May 10; that he had a conversation with Agent F wherein the agent said it was a nice family place; that both he and the other agent were married men but that 'they were just out scouting around and they hadn't brought their wives with them.' Two character witnesses testified that Luigi Sabatini has a good reputation in the community and that, to the best of their knowledge, no rooms in defendants' premises have ever been rented for immoral purposes.

"I am convinced from the record that the testimony of the ABC agents correctly portrays the incidents and conversations

which took place upon the licensed premises on the dates in question and that the agents brought home to Luigi Sabatini the unlawful purpose, i.e., illicit sexual intercourse, for which the rooms were ostensibly hired. It is immaterial that no illicit sexual intercourse actually occurred in the rooms after they were rented to the agents. The offense charged was complete when the rooms were rented with knowledge on the part of one of the licensees that they were (ostensibly) to be used for illicit sexual intercourse. In Re Schneider, 12 N.J. Super. 449 (App. Div. 1951).

"It is recommended, therefore, that an order be entered finding defendants guilty as charged and suspending their license for one hundred and eighty (180) days. Re Denti, Bulletin 835, Item 8; Re Hartman, Bulletin 904, Item 2; Re Favareille, Bulletin 986, Item 3."

No exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulation No. 16. After carefully considering the facts and circumstances herein, I concur in and adopt the recommended conclusions of the Hearer as my conclusions herein. Hence I find defendants guilty as charged, and shall suspend their license for a period of one hundred eighty days.

Accordingly, it is, on this 17th day of October, 1957,

ORDERED that Plenary Retail Consumption License C-233, issued by the Board of Commissioners of the City of Atlantic City to Jane & Luigi Sabatini, for premises at Bernard Avenue & Absecon Blvd., Atlantic City, be and the same is hereby suspended for one hundred eighty (180) days, commencing at 9:00 a.m. October 30, 1957, and terminating at 9:00 a.m. April 28, 1958.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - HINDERING INVESTIGATION - PRIOR RECORD - LICENSE SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JIM V. PRIMITERRA)
122 Adams Street)
Hoboken, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-161, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.)
-----)

Jim V. Primiterra, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. You sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons

under the age of twenty-one (21) years, viz., Martin E. ---, age 20, on Wednesday night, August 28 and early Thursday morning, August 29, 1957, and Ronald J. ---, age 16, and Thomas J. ---, age 18, during the early morning hours of Thursday, August 29, 1957, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises on the above stated respective dates and occasions; in violation of Rule 1 of State Regulation No. 20.

"2. During the early morning hours of Thursday, August 29, 1957, while Investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey were conducting an investigation, inspection and examination at your licensed premises, you failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation, inspection and examination; in violation of R. S. 33:1-35."

The file herein discloses that on Wednesday, August 28, 1957 at about 11:30 p.m., two ABC agents entered defendant's licensed premises and remained therein until about 4:15 the next morning. At about 11:45 p.m. they observed Anne Barosa, the barmaid, serve a glass of beer to Martin --- (age 20) seated at the bar. At about 12:15 a.m. Martin was joined by Thomas --- (age 18) both of whom were each served a glass of beer by the barmaid. Shortly thereafter, the aforesaid minors were joined by Ronald --- (age 16). At about 1:00 a.m. the agents observed the barmaid serve each of these three minors with a glass of beer and in payment thereof help herself to some change on the bar in front of Martin. After each minor had consumed part of his beer, the agents identified themselves and questioned them. Upon learning that these young men were under 21 years of age, the agents seized their three glasses of beer as evidence and informed the licensee and the barmaid of the aforesaid violations. As the agents continued their investigation of the licensed premises, the barmaid, despite the agents' warning not to touch the aforesaid three glasses of beer, deliberately attempted to destroy this evidence.

In sworn, written statements dated August 29, 1957, Ronald, Thomas and Martin stated their respective ages were 16, 18 and 20 and that no one on the premises inquired of them about their ages.

By way of mitigation, the defendant has submitted a statement the contents of which I have carefully read together with the file in the case. I, however, do not find any extenuating circumstances in this case which would impel me to impose less than the established penalties in cases of this type.

Defendant has a prior adjudicated record. Effective February 18, 1957, his license was suspended for twenty-five days by the Director of this Division for sale to minors and possession of indecent matter. Re Primiterra, Bulletin 1160, Item 2. The minimum penalty for the sale of alcoholic beverages to a 16-year-old minor is twenty-five days. Re Campbell, Bulletin 1133, Item 7. Considering the number of minors involved and the defendant's past record which includes a similar violation to Charge 1 herein within the past five years, I shall suspend defendant's license for forty days on Charge 1, Re Zipf, decided September 16, 1957 and not yet reported, and for an additional fifteen days on Charge 2, Re Club Elena Incorporated, Bulletin 1115, Item 10, making a total suspension of fifty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty days.

Accordingly, it is, on this 17th day of October, 1957,

ORDERED that Plenary Retail Consumption License C-161, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Jim V. Primiterra, for premises 122 Adams Street, Hoboken, be and the same is hereby suspended for fifty (50) days, commencing at 2:00 a.m. October 24, 1957 and terminating at 2:00 a.m. December 13, 1957.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF STATE REGULATION NO. 38 - EMPLOYING BARTENDER WITHOUT REQUIRED LOCAL IDENTIFICATION CARD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ROBERT J. GIORDANO)
T/a GIG'S II)
590 Newark Avenue)
Jersey City 6, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-21, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)
-----)

Robert J. Giordano, Defendant-licensee, Pro se.
Dora P. Rothschild, appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On Sunday, August 18, 1957, you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, viz., 6 - 12-ounce cans of Schaefer Fine Beer, at retail, in their original containers, for consumption off your licensed premises, and allowed, permitted and suffered the removal of such alcoholic beverages from your licensed premises; in violation of Rule 1 of State Regulation No. 38.

"2. On Sunday, August 18, 1957, you engaged and employed on your licensed premises two agents and bartenders in connection with your licensed business, to whom identification cards had not been issued by the Department of Public Safety of the City of Jersey City, in conformity to Sections 13 and 14 of an ordinance adopted by the Board of Commissioners of the City of Jersey City on June 30, 1950 and in violation of Section 15 of the aforementioned ordinance."

The file discloses that at 4:37 p.m. on Sunday, August 18, 1957, an ABC agent purchased six 12-ounce cans of beer from Joseph L. Bauerband who was on duty as a bartender in defendant's licensed premises. After paying for the items aforementioned, the agent left the premises but returned immediately and in the presence of two other agents who had remained at the bar, made known his identity to Bauerband, who admitted the sale.

Bauerband and another man who had served the agents, were questioned concerning their affiliation with defendant's premises and it was ascertained that neither of the persons who tended bar had obtained a permit to work on the licensed premises as required by a local ordinance.

Defendant has no prior adjudicated record. I shall suspend his license for a period of twenty days on both charges. Re Ciampa, Bulletin 1169, Item 11. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 2nd day of October, 1957,

ORDERED that Plenary Retail Consumption License C-21, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Robert J. Giordano, t/a Gig's II, for premises at 590 Newark Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. October 8, 1957 and terminating at 2:00 a.m. October 23, 1957.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

STATUTORY AUTOMATIC SUSPENSION - PETITION TO LIFT GRANTED AT EXPIRATION OF SUSPENSION IN DISCIPLINARY PROCEEDINGS.

In the Matter of Disciplinary Proceedings against)

LOUIS PONTES, JOHN J. VIEIRA &)
JOSEPH HRABOVSKY)
T/a THE OWL'S TAVERN)
148 Passaic Street)
Passaic, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-31, issued by the Board of Commissioners of the City of Passaic.)

Auto. Susp. #142)
In the Matter of a Petition by)

LOUIS PONTES, JOHN J. VIEIRA &)
JOSEPH HRABOVSKY)
T/a THE OWL'S TAVERN)
(same address))

ON PETITION
O R D E R

To Lift the Automatic Suspension of aforesaid license.)

Ranzenhofer & Pasternack, Esqs., Attorneys for Defendant- licensees-Petitioners.

Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to the following charge:

"On September 1, 1957, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly,

to a person under the age of twenty-one (21) years, viz., Mary ---, age 17, and allowed, permitted and suffered the consumption of alcoholic beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

Acting upon information obtained from the Passaic Police Department, ABC agents obtained a sworn statement from Mary --- wherein she says that she is 17 years of age and that on Sunday, September 1, 1957, she, accompanied by an adult male companion, entered defendant's licensed premises at about 6:45 p.m. She further says that during the half-hour she remained upon the premises she consumed the contents of one bottle of beer which was purchased for her by her male companion from a bartender who did not question her as to her age.

On October 4, 1957, Joseph Hrabovsky (one of the licensees) was sentenced to pay a fine of \$100.00 and \$10.00 costs and received a suspended sentence of ten days in a county jail after he had pleaded non vult in the Municipal Court of the City of Passaic to a charge of selling alcoholic beverages to the same minor, in violation of R. S. 33:1-77. Said conviction resulted in the automatic suspension of the license held by defendants for the balance of its term. R. S. 33:1-31.1. On October 9, 1957, ABC agents picked up defendants' license and they have not been operating under their license since that time. A petition requesting the lifting of said suspension has been filed with me. R. S. 33:1-31.1.

Defendants have no prior record. The minimum penalty for sale to a 17-year-old minor is twenty days. Re Arnts, Bulletin 1183, Item 8. I shall suspend defendants' license for twenty days, less five for the plea entered therein, leaving a net suspension of fifteen days, to be effective from October 9, 1957, when the licensees ceased to operate pursuant to the automatic suspension of their license.

As to the petition to lift, I shall grant the relief requested upon the expiration of the aforesaid suspension.

Accordingly, it is, on this 10th day of October, 1957,

ORDERED that Plenary Retail Consumption License C-31, issued by the Board of Commissioners of the City of Passaic to Louis Pontes, John J. Vieira & Joseph Hrabovsky, t/a The Owl's Tavern, for premises 148 Passaic Street, Passaic, be and the same is hereby suspended for fifteen (15) days, commencing October 9, 1957, and terminating at 3:00 a.m. October 24, 1957; and it is further

ORDERED that the statutory automatic suspension herein will be lifted effective at 3:00 a.m. October 24, 1957, at which time the license will be restored to full force and operation.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - SALES TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

HARRY RUSSAKOW)
T/a HARRY'S LIQUOR STORE)
506 Route 70 Corner of Cedar Street and Route 70)
Lakehurst, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-1, issued by the Borough Council of the Borough of Lakehurst.)

Camp & Simmons, Esqs., by Roy G. Simmons, Esq., Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that on September 13, 1957, he sold, served and delivered alcoholic beverages, directly or indirectly, to a minor, in violation of Rule 1 of State Regulation No. 20.

From a signed, sworn statement given to ABC agents by Val --- (age 19) it appears that on the above date he purchased six cans of beer in the defendant's licensed premises from the bartender without being required to produce any written proof of his age or to sign any representation thereof. In a signed statement given by a minor who accompanied Val it appears that, although he did not enter the premises, he observed Val about to do so and later observed him with cans of beer about two feet from the premises. Both minors identified the premises and Val identified Edward White as the person who sold the beer to him.

Defendant has no prior adjudicated record. The minimum period of suspension now imposed for sale to a 19-year-old minor is fifteen days. Re Monterey Enterprises, Inc., Bulletin 1188, Item 8. I shall suspend defendant's license for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 10th day of October, 1957,

ORDERED that Plenary Retail Distribution License D-1, issued by the Borough Council of the Borough of Lakehurst to Harry Russakow, t/a Harry's Liquor Store, for premises 506 Route 70 Corner of Cedar Street and Route 70, Lakehurst, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. October 21, 1957, and terminating at 9:00 a.m. October 31, 1957.

WILLIAM HOWE DAVIS
Director.

6. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOHN C. DUNKIRK)
T/a J. & S. BAR & GRILL)
38-40 First Avenue)
Paterson, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-141, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

-----)
John C. Dunkirk, Defendant-licensee, Pro se.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he allowed, permitted and suffered mislabeled beer taps on his licensed premises, in violation of Rule 26 of State Regulation No. 20.

The file herein discloses that on September 6, 1957, during the course of a retail inspection of defendant's licensed premises, an ABC agent found three kegs containing Krueger beer, two of which were connected to taps bearing the brand name "Schaefer", the other to a tap bearing the brand name "Schlitz."

Defendant has no prior adjudicated record. I shall suspend his license for a period of ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Perry's Bar & Grill (A Corp.), Bulletin 1167, Item 5.

Accordingly, it is, on this 10th day of October, 1957,

ORDERED that Plenary Retail Consumption License C-141, issued by the Board of Alcoholic Beverage Control for the City of Paterson to John C. Dunkirk, t/a J. & S. Bar & Grill, for premises 38-40 First Avenue, Paterson, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m. October 21, 1957, and terminating at 3:00 a.m. October 26, 1957.

WILLIAM HOWE DAVIS
Director.

7. DISCIPLINARY PROCEEDINGS - STATE BEVERAGE DISTRIBUTOR'S LICENSE - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JERSEY STATE BEVERAGE DISTRIBUTORS, INC.)
177-79 Somerset Street)
Newark, N. J.,)

CONCLUSIONS AND ORDER

Holder of State Beverage Distributor's License SBD-114, issued by the Director of the Division of Alcoholic Beverage Control.)
-----)

Jersey State Beverage Distributors, Inc., Defendant-licensee, by Louis Bohrer, President. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded non vult to a charge alleging that on September 11, 1957, it sold alcoholic beverages at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulation No. 30.

The file herein discloses that on the above date Louis Bohrer, at the licensed premises, sold twenty-four 12-ounce returnable bottles of Hensler Light Beer to an ABC agent for \$3.70. The minimum consumer listed resale price then in effect was \$3.75, plus 75¢ deposit on the bottles. The agent and a fellow-agent immediately confronted Louis Bohrer and accused him of selling for less than the legal price.

Defendant has no prior adjudicated record. I shall suspend its license for the minimum period of ten days. Re Pat Caridi, Inc., Bulletin 1186, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 14th day of October, 1957,

ORDERED that State Beverage Distributor's License SBD-114, issued by the Director of the Division of Alcoholic Beverage Control to Jersey State Beverage Distributors, Inc., for premises 177-79 Somerset Street, Newark, be and the same is hereby suspended for five (5) days, commencing at 7:00 a.m. October 28, 1957, and terminating at 7:00 a.m. November 2, 1957.

WILLIAM HOWE DAVIS
Director.

8. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SALLIE DOROTHY SCHAUBLIN)
T/a FAIRMOUNT TAVERN)
928 Main Street)
Hackensack, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-34, issued by the City Council of the City of Hackensack.)

Sallie Dorothy Schaublin, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On Sunday, August 4, 1957 at about 1:45 a.m. and again at about 1:57 a.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages at retail in their original containers for consumption off your licensed premises and allowed, permitted and suffered the removal of such beverages from your licensed premises; in violation of Rule 1 of State Regulation No. 38."

An examination of the file in the instant case discloses that at 1:45 a.m. Sunday, August 4, 1957, ABC agents who were in defendant's licensed premises observed the bartender, at the direction of the defendant, place an unopened 4/5 quart of Seagram's Seven whiskey on the bar. The defendant took the bottle from the bar and handed it to a man seated in a wheel chair. The man immediately thereafter left the premises. At 1:57 a.m., one of the agents purchased a 4/5 quart of Seagram's Seven whiskey from the bartender who put it in a paper bag and placed it on the bar in front of the agent. The latter made payment therefor and after he and his fellow agent consumed their respective drinks which had been previously purchased, both left the defendant's establishment. They immediately reentered the premises and after identifying themselves to the defendant and the bartender, confronted them with the violation. The bartender admitted the sale but the defendant claimed that she did not see what had occurred. Both defendant and bartender declined to accept the agents' offer to give a written statement relative to the matter then under consideration.

Defendant has no prior adjudicated record. I shall suspend defendant's license for the minimum period of fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Re Ocean Avenue Tavern, Inc., Bulletin 1187, Item 6.

Accordingly, it is, on this 9th day of October, 1957,

ORDERED that Plenary Retail Consumption License C-34, issued by the City Council of the City of Hackensack to Sallie

Dorothy Schaublin, t/a Fairmount Tavern, for premises 928 Main Street, Hackensack, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. October 21, 1957 and terminating at 2:00 a.m. October 31, 1957.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

LENA ROBBINS)
T/a ZOTTO'S RESTAURANT)
1324 Hamilton Avenue)
Trenton, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-124, issued by the Board of Commissioners of the City of Trenton.)

Lena Robbins, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to two separate charges alleging that she sold alcoholic beverages at less than the price listed in the Minimum Consumer Resale Price List, the sales being in violation of Rule 5 of State Regulation No. 30.

The file herein discloses that on September 7, 1957, ABC agents purchased from Leroy Robbins, husband of defendant, six 12-ounce cans of Embassy Beer for 75¢; that on September 14, 1957 the same agents purchased from Edward Soboczynski, defendant's bartender, the same quantity of the same brand of beer for a like price and one quart bottle of Schenley Reserve Blended Whiskey for \$5.25. The minimum consumer resale price then in effect for the named brand of beer in the amount purchased on each occasion was 79¢ and \$5.90 for the whiskey in question.

Defendant has no prior adjudicated record. However, it appears that when defendant and Dominic Zotto held a license for the same premises as Administrators of the Estate of Minnie Zotto, it was suspended for 90 days by the local issuing authority for permitting minors in the premises in violation of local regulations and for immoral activity. The minimum penalty imposed for the violations charged herein is ten days. Re Giant Liquors, Inc., Bulletin 1180, Item 1. Since the prior dissimilar violation by defendant's predecessor-in-interest occurred within a five-year period, I shall suspend defendant's license for fifteen days and remit five days for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 7th day of October, 1957,

ORDERED that Plenary Retail Consumption License C-124, issued by the Board of Commissioners of the City of Trenton to

Lena Robbins, t/a Zotto's Restaurant, for premises at 1324 Hamilton Avenue, Trenton, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. October 14, 1957 and terminating at 2:00 a.m. October 24, 1957.

WILLIAM HOWE DAVIS
Director.

10. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS AND FAILURE TO HAVE PREMISES CLOSED DURING SAID HOURS IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

FRANCIS R. & FRANCIS C. BAUMANN)
T/a VAL'S CLUB)
121 North 3rd Street)
Paterson 2, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-33, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

Francis R. & Francis C. Baumann, Defendant-licensees, Pro se.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to charges alleging that on Saturday, September 7, 1957 they (1) sold, served and delivered and allowed, permitted and suffered the sale, service, delivery and consumption of alcoholic beverages on their licensed premises during prohibited hours and (2) failed to have their entire licensed premises closed during said hours, both in violation of a local ordinance.

An ordinance of the City of Paterson prohibits the sale, service, delivery and consumption of alcoholic beverages on Saturdays between the hours of 3:00 a.m. and 7:00 a.m., and requires that licensed premises (with certain exceptions not material herein) shall be closed between said hours.

On Saturday, September 7, 1957 at about 1:45 a.m., two ABC agents entered the defendants' licensed premises and took seats at the bar alongside of nine patrons. At 3:05 a.m. one of the licensees acting as bartender announced he was closing the premises. Thereafter the agents and all of the patrons except two of them, departed from the premises. The agents, however, kept the premises under surveillance and at 3:25 a.m. observed two men enter the premises followed by a third at 3:35 a.m. About five minutes later the agents approached the premises and through its front window saw two men and the bartender drinking beer. The agents gained admittance to the premises, identified themselves to the bartender and found a glass of whiskey on the bar in front of one of the patrons. Upon questioning by the agents, the aforesaid licensee admitted the violations.

Defendants have no prior adjudicated record. I shall suspend defendants' license for fifteen days, the minimum suspension for the instant violations. Re Maloney & Menotti,

Bulletin 1059, Item 3. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 8th day of October, 1957,

ORDERED that Plenary Retail Consumption License C-33, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Francis R. & Francis C. Baumann, t/a Val's Club, for premises 121 North 3rd Street, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. October 15, 1957 and terminating at 3:00 a.m. October 25, 1957.

WILLIAM HOWE DAVIS
Director.

11. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA - DATES OF SUSPENSION TO BE FIXED BY SUBSEQUENT ORDER UPON REOPENING FOR BUSINESS.

In the Matter of Disciplinary Proceedings against

EARL N. SWAYZE
T/a PARROT CLUB
s/e Cor. Boardwalk & Sherman Avenue
Seaside Heights, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-11, issued by the Mayor and Council of the Borough of Seaside Heights.

Hiering & Grasso, Esqs., by William T. Hiering, Esq., Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to three minors and permitted said minors to consume such beverages on his licensed premises, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that on Thursday, August 29, 1957, at about 11:30 p.m., ABC agents observed William --- (age 18) enter defendant's licensed premises and join two other young men at the bar. These young men were later identified as Gary --- (age 18) and Howard --- (age 19). William twice ordered two bottles of beer, which were served to him and Gary by John Larsen, the bartender. These two minors drank the beer. The agents also observed Howard drink beer, but could not observe who served the beer to him. The agents obtained signed, sworn statements from the three minors substantially corroborating the sale, service and consumption as hereinabove set forth.

In alleged mitigation of the violation the licensee represents that he was not present at the time but had an officer on duty to prevent minors from entering the place. The agents report that they spoke with Walter Holbert, a special officer on duty, and he told them that he did not see the minors enter --

that he probably was seated at the lunch counter reading a newspaper at the time. The agents also report that the licensee was present when they disclosed their identity and questioned the minors. Larsen admitted that he served and sold bottles of beer to the three minors without questioning them as to their age.

Defendant has no prior adjudicated record for a similar or dissimilar violation within the past ten years. The minimum penalty for a sale to an eighteen-year-old minor is fifteen days (Re Show Boat, Inc., Bulletin 1176, Item 6) to which will be added five days because of three minors who are involved (Re Jim's Restaurant, Inc., Bulletin 1164, Item 12), making a total suspension of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Defendant's business is conducted on a seasonal basis and the premises are usually closed some time after Labor Day and remain closed until some time next year. Thus no effective penalty can be imposed at the present time. The effective dates for the suspension will be fixed by a further order which will be entered by me if any license is issued to this defendant or to any other person for the premises in question and after the licensed premises shall have been opened for the 1958 season.

Accordingly, it is, on this 10th day of October, 1957,

ORDERED that any retail consumption license hereafter issued by the Mayor and Council of the Borough of Seaside Heights to Earl N. Swayze, t/a Parrot Club, for premises s/e cor. Boardwalk and Sherman Avenue, Seaside Heights, or any license issued to any other person for the same premises, be and the same is hereby suspended for a period of fifteen days, the time to be fixed by subsequent order as aforesaid.

WILLIAM HOWE DAVIS
Director.

12. DISCIPLINARY PROCEEDINGS - SUSPENSION FOR BALANCE OF TERM LIFTED UPON CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary)
Proceedings against)

ANTHONY VILLARE)
T/a TONY'S SUPPER CLUB)
900 N. 2nd Street)
Camden, N. J.,)

ON PETITION
O R D E R

Holder of Plenary Retail Consump-)
tion License C-192, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Camden.)
-----)

Salvatore J. Avena, Esq., Attorney for Joseph Gentile, Petitioner.

BY THE DIRECTOR:

By order dated July 30, 1957, I suspended defendant's license for the balance of its term, effective immediately, after defendant pleaded non vult to a charge alleging that he had failed to give written notice to the issuing authority of a change of fact in his application, in violation of R.S. 33:1-34,

and after he had been found guilty of a charge alleging that he had been convicted of crimes involving moral turpitude which would have prevented the issuance of a license to him. Leave was given to a bona fide transferee of the license to file a petition with me requesting the lifting of said suspension after the expiration of thirty days from the effective date thereof (Re Villare, Bulletin 1188, Item 3).

The verified petition of Joseph Gentile which has been filed herein discloses that on October 1, 1957, the Municipal Board of Alcoholic Beverage Control of the City of Camden granted a transfer of defendant's license to him and sets forth that Anthony Villare no longer has any interest in the license nor in the business conducted thereunder. The petition requests the lifting of the suspension previously imposed. The records of the Division show that on October 1, 1957, the local issuing authority transferred the license to Joseph Gentile, t/a 900 Bar.

It thus appearing that the unlawful situation has been corrected and that the suspension has been in effect for more than thirty days,

It is, on this 23rd day of October, 1957,

ORDERED that the suspension heretofore imposed be lifted, and that License C-192 be restored to full force and operation as soon as the transfer of the license to Joseph Gentile, t/a 900 Bar, is endorsed on the face of the license certificate by the Secretary of the Municipal Board of Alcoholic Beverage Control of the City of Camden.

WILLIAM HOWE DAVIS
Director.

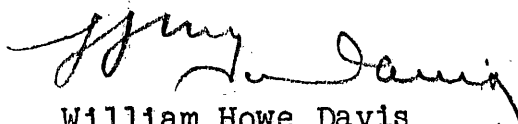
13. STATE LICENSES - NEW APPLICATIONS FILED.

Jersey Beverages, Inc.
148 Fleming Ave.
Newark, N. J.

Application filed November 14, 1957 for person-to-person, place-to-place transfer of State Beverage Distributor's License from Iberia Beverage Co., Inc., 48 Madison St., Newark, N. J.

Camden County Beverage Company
95 North 11th St.
Newark, N. J.

Application filed November 15, 1957 for place-to-place transfer of Limited Wholesale License WL-60 from 504-510 Harrison Ave., Harrison, N.J.


William Howe Davis
Director.